



Mauritius

Country Reports on Human Rights Practices - [2002](#)

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The Republic of Mauritius is a parliamentary democracy governed by a prime minister, a council of ministers, and a national assembly. The President, Karl Offman, who was nominated by the Prime Minister, Sir Anerood Jugnauth, and confirmed by the National Assembly, served as Head of State, with largely ceremonial powers. National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the national elections, held in September 2000, were free and fair and resulted in a victory for an opposition coalition, the Mauritian Socialist Movement/Militant Mauritian Movement (MSM/MMM). There were numerous political parties, and partisan politics were open and robust. The judiciary was independent.

A paramilitary Special Mobile Force under civilian control was responsible for internal security. This force, commanded by the Commissioner of Police, was backed by a general duty police force. Both forces largely were apolitical, but were criticized for being inadequately trained to prevent and control rioting. Some members of the security forces committed serious human rights abuses.

The economy was based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The country's population was more than 1 million. The standard of living was high, with a per capita gross domestic product of \$3,900. The Government was diversifying the economy by promoting investment in new sectors such as information technology and financial services.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that police abused suspects and detainees and delayed suspects' access to defense counsel. The Government's monopoly in broadcasting local news and programming ended with the establishment of three independent radio stations. The Government maintained control over the nation's television stations. At times police restricted freedom of assembly. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of workers in the export processing zone (EPZ). Child labor, forced child prostitution, and trafficking were problems. Mauritius was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

During the year, there were two deaths in custody, one in April due to a reported hanging and one in September due to a reported neck injury.

The results of the inquiries into the 2001 death in custody of three persons were not released by year's end.

The investigation into the August 2001 beating to death of a man by prisoners and a prison guard was ongoing at year's end.

The results of the August 2001 judicial inquiry into the 2000 police killing of Rajen Sabapathee had not been released by year's end.

Investigations continued into the 2000 cases of two persons who died while in police custody, one from pneumonia and one from poisoning.

The judicial inquiry continued into the 1999 death in police custody of a popular Creole singer, Kaya, at year's end.

Trials of four Hizbullah suspects, particularly Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah), for the 1996 killings of three rival Muslim political activists still were pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and inhuman punishment, and authorities generally respected this prohibition; however, there continued to be complaints of abuses by the police. The most frequent form of alleged police abuse was the use of force to coerce a suspect to sign a confession.

The investigation into the 2000 alleged police mistreatment of arrested Hizbullah leader Cehl Meeah was pending at year's end.

In 2001 the National Human Rights Commission (NHRC), which supervised the Complaints Investigation Bureau received 195 human rights complaints, 71 of which were complaints of police brutality.

Prison conditions generally met international standards; however, there were some deaths in prison. Food, water, and medical care were available to all prisoners; sanitation was adequate. Women were held separately from men, and juveniles were held separately from adults. There were no reports of abuse of women or juveniles in prison. Pretrial detainees were held separately from convicted prisoners.

There continued to be reports of deaths in police custody (see Section 1.a.).

The Government permits prison visits by independent observers. During the year, the press, the NHRC, and international organizations made regular prison visits.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The Dangerous Drugs Act allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel, and the law also permits a 36-hour detention of suspects without legal counsel. In most cases, suspects were provided prompt access to family and defense counsel; however, police in some cases delayed suspects' access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access. In March the Government passed the Prevention of Terrorism Act. Its passage generated a public outcry in some quarters over the expanded powers that it gives the police to combat terrorism. There were no arrests under the Prevention of Terrorism Act during the year.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consisted of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants had the right to private or court-appointed counsel.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government has not invoked these measures to inhibit the press. Libel suits between private parties were common.

In March and April, the Government's monopoly in broadcasting local news and programming over the radio ended with the establishment of two independent radio stations. A third station received its license and began broadcasting in October.

A private news organization posted local news on the Internet, thereby circumventing the ban on private party television or radio local news broadcasts. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, were available to the public by subscription.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. There is a right of judicial appeal. While groups had the right to challenge denials, they occasionally proceeded with their demonstrations without police permission; in such cases, police usually dispersed the demonstrators. The demonstration's leaders usually were warned verbally and sometimes briefly detained.

In September supporters of Hizbullah leader Cehl Meeah (see Section 1.a.) demonstrated in front of a courthouse after a hearing. Seven demonstrators subsequently were charged with threatening two of the prosecutors trying the case as they attempted to depart the courthouse. A trial began in November; there was no decision by year's end.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations and faiths that were present in the country prior to independence, such as the Roman Catholic Church, the Church of England, the Presbyterian Church, the Seventh-Day Adventists, Hindus, and Muslims, receive a lump-sum payment every year from the Ministry of Finance based upon the number of adherents, as determined by a 10-year census. Newer religious organizations (which must have a minimum of 7 members) were registered by the Registrar of Associations and were recognized as legal entities with tax-free privileges. No groups have been refused registration.

Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted; however, there were no violent confrontations during the year. Some minorities, usually Creoles and Muslims, alleged that a glass ceiling existed within the upper echelons of the civil service that prevented them from reaching the highest levels.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign, Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Constitution does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government did not grant asylum to refugees in general on the grounds that the country was small, had limited resources, and did not wish to become a haven for large numbers of refugees. However, the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR), provided first asylum on occasion, and allowed U.N. agencies to provide limited assistance to 14 individuals whom the UNHCR recognized as refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. According to international and local observers, free and fair national elections were held in September 2000, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition. Suffrage was universal except for approximately 100 fishermen on 6- to 12-month contracts who were residents of the island of Saint Brandon. These fishermen may vote on the main island provided they were registered and physically present on election day.

In September the island of Rodrigues successfully held its first elections for a regional elected assembly. The creation of the Assembly was a first step towards a decentralized and autonomous island of Rodrigues. The Assembly will work with the central Government in controlling funds for Rodrigues.

There were 4 women in the 70-seat National Assembly, and there was one female minister in the 25-member Cabinet.

Candidates for the National Assembly were required to identify themselves with one of four distinct ethnic groupings--Hindu, Muslim, Sino-Mauritian, or general population. For these purposes, "general population" was the category used to describe any citizen other than Hindu, Muslim, or Sino-Mauritian persons, which were primarily the Creole and Franco-Mauritian communities. Based on these four categories, there were 37 Hindus, 21 members of the General population, 11 Muslims, and 1 Sino-Mauritian in the 70-seat National Assembly, and there were 16 Hindus, 5 from the general population, 3 Muslims, and 1 Sino-Mauritian in the 25-member Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights organizations, including Amnesty International, Transparency International, and SOS Femmes, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Prior to April 2001, the constitutionally mandated, autonomous Ombudsman investigated complaints of human rights abuses. Since the creation of the NHRC in April 2001, the Ombudsman no longer investigated human rights problems. The NHRC was composed of a president of the commission, who according to the law, must be a former Supreme Court judge and three other members, of whom one must be a lawyer or a judge with 10 years of experience, and the other two must have experience in the human rights field. The NHRC was authorized to investigate abuses by any public servant, but it could not investigate complaints that were already the subject of an inquiry by the Ombudsman, the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC had the authority to visit centers of detention or prisons and to assess and make recommendations on conditions. The NHRC first tried to resolve complaints through conciliation. If not successful, it can forward cases to the Director of Public Prosecutions (if criminal in nature), to the service commissions for disciplinary measures, or to the responsible authority in question. Between April and December 2001, the NHRC received 195 complaints, 71 of which were complaints of police brutality.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, or sex, and the Government generally respected these provisions.

Women

Domestic violence against women, particularly spousal abuse, was a problem, according to the Ministry of Women's Rights, Child Development, and Family Welfare; attorneys; and nongovernmental organizations (NGOs). The Protection from Domestic Violence Act criminalizes domestic violence and provides the judicial system with greater powers to combat this problem. In March 2001, SOS Femmes, an NGO, published a study on domestic violence in the country in which 84 percent of the women surveyed reported being victims of physical abuse. Alcohol or drugs was a contributing factor in nearly 70 percent of these cases. According to the Ministry of Women's Rights, Child Development, and Family Welfare, between January and July, 865 cases of domestic abuse were reported. According to officials, the number of reported spousal abuse cases has risen primarily due to a greater awareness of women's rights and the Government's readiness to enforce them. Nevertheless, many victims still chose not to prosecute or report their attacker, primarily due to cultural pressures. Although specific laws make rape illegal, including spousal rape, it was a problem. In August following a high profile case of an expatriate who was gang raped by two different groups in one evening in Curepipe, several hundred women held a demonstration to protest the proliferation of rape cases, both reported and unreported.

Since women often depended on their spouses for financial security, many remained in abusive situations for fear of being unable to provide for their children as single parents. While a magistrate can order a spouse to pay child support, some spouses have stopped working to avoid payment. The law criminalizes the abandonment of one's family or pregnant spouse for more than 2 months, the nonpayment of court-ordered food support, and sexual harassment.

Traditionally women have played subordinate roles in society, and societal discrimination continued; however, women had access to education, employment, and government services.

Children

The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. Education was free and mandatory until the age of 12; attendance at the primary level was 100 percent, but only 60 percent of children attended school at the secondary level. In May 2001, the Government announced an education reform plan that would increase mandatory education to the age of 16 by 2003. The plan would eliminate the ranking of primary students based on their scores in a primary education certificate exam with the objective of making more students eligible to attend secondary school. As part of the plan, the Government announced that it would address the increase in secondary students by building new schools and converting some schools, including private schools, into a regional network of secondary schools. During the year, the Government started converting schools and building additional secondary schools, which were scheduled to be completed by 2003. The Government also started to build five new secondary schools that it planned to open in January 2003. Four colleges also were being extended, and four vocational colleges were being converted.

The Government provided full medical care for children.

Although incidents of child abuse were reported, private voluntary organizations claimed that the problem was more widespread than was acknowledged publicly. Most government programs were administered by the state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development, which provided counseling, investigated reports of child abuse, and took remedial action to protect affected children.

Under the law, certain acts compromising the health, security, or morality of a child were crimes.

Child prostitution is a criminal act, but only the adult was an offender, while the child involved was given social assistance. Trafficking of children for prostitution was a problem (see Section 6.f.). Child pornography also is a crime, and the child was offered social aid while the adult offender was prosecuted.

Persons with Disabilities

There was no discrimination in employment, education, or in the provision of other state services against persons with disabilities, including mental illness. The law requires organizations that employed more than 10 persons to set aside at least 3 percent of their positions for persons with disabilities. There was no law mandating access to public buildings or facilities. The law did not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs.

National/Racial/Ethnic Minorities

Tensions among the Hindu, Creole, Muslim, European, and Chinese communities persisted; however, there were no violent confrontations during the year.

Section 6 Worker Rights

a. The Right of Association

The Constitution explicitly protects the right of workers to associate in trade unions, and there was an active trade union movement. Approximately 335 unions represent 111,231 workers, or 21.5 percent of the work force. Many unions were small, having fewer than 1,000 members. Ten major labor federations served as umbrella organizations for these smaller unions. With the exception of members of the "disciplined force," namely, the police and the Special Mobile Force, and persons in government services who were not public officers such as contractors, workers were free to form and join unions and to organize in all sectors, including in the export processing zone (EPZ). Labor unions were independent of the Government, and they had established ties to domestic political parties and addressed political issues.

The Industrial Relations Act (IRA) prohibits antiunion discrimination, and there were no reports of antiunion activity by employers during the year. There was an arbitration tribunal that handled any such complaints, and three such complaints were filed during the year. The International Confederation of Free Trade Unions (ICFTU) reported that the law did not protect trade unions adequately against acts of interference by employers. The Mauritian Labor Congress asserted that union membership was low in the EPZ in part because employers in the EPZ intimidated employees and restricted access to union organizers.

Under the law, unions may establish ties with international labor bodies, and some unions have done so.

b. The Right to Organize and Bargain Collectively

The law protects the right of employees to bargain collectively with their employers. The International Labor Organization (ILO) reported that the Government began a labor law reform project with ILO technical assistance in 1997; however, new legislation still was pending at the State Law Office level at year's end. Minimum wages for nonmanagerial level workers were set by the National Remuneration Board (NRB), whose chairman was appointed by the Minister of Labor; however, most unions negotiated wages higher than those set by the NRB. Almost 13 percent of the labor force worked for national or local government.

Under the IRA, unions have the legal right to strike; however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. The Government has 21 days to respond to any labor dispute referred to the Ministry of Labor. If the Government does not respond within 21 days by referring the case either to the Permanent Arbitrary Tribunal (PAT) or to the Industrial Relations Commission (IRC), then the workers have the legal right to strike. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. There were no strikes during the year. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

In July 2001, the Government unveiled a plan for restructuring the sugar sector that included provisions for the early retirement of 9,200 sugar workers. In July 2001, several of the unions representing the sugar workers held demonstrations to protest the constitutionality of the plan and the details of the retirement package, which was decided without union input. Approximately 7,800 workers had been given early retirement under this plan by year's end.

Reportedly 87,607 persons work in the EPZ. Although only 10 percent of EPZ workers were unionized, these workers were covered by national labor laws; however, there are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory, paid overtime at a higher wage than for ordinary working hours. The

ICFTU alleged that employers have established employer-controlled work councils for workers in the EPZ effectively blocking union efforts to organize at the enterprise level. The 2000 ICFTU report stated that there was very little collective bargaining in the EPZ and that the National Remuneration Board determined wages after representations by employers and workers' representatives, effectively hindering the collective bargaining process. The ILO has recommended that the Government utilize tripartite committees to negotiate and resolve disputes.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor outside the EPZ, including by children, and there were no reports that such practices occurred in the case of adults. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage (see Sections 6.b. and 6.e.).

According to the ILO Committee of Experts, the Merchant Shipping Act contains provisions that were not compatible with international standards regarding forced labor. Certain breaches of discipline by seamen were punishable by imprisonment. The Government indicated that it proposed to amend the Merchant Shipping Act to make it compatible with ILO Convention 10; however, it took no action during the year.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18, and the Government generally respected this law in practice; however, child labor was a problem. According to Section 55 of the Labor Act, the penalties for employing a child are a fine of no more than \$66 (2,000 rupees) and a term of imprisonment not to exceed 1 year.

The legal minimum age for the employment of children was 15 years; however, children unable to attend secondary school often sought apprenticeships in the trades. Vocational schools trained students who failed the primary education certificate exam at the end of the sixth year of primary education.

The Ministry of Labor was responsible for the enforcement of child labor laws and conducted frequent inspections. According to the Ministry of Women's Rights, Child Development, and Family Welfare, 1,600 children between the ages of 12 and 14 were employed or looking for work in 2000. Child labor in homes, on farms, and in shops was common on the island of Rodrigues.

The Ministry of Labor was responsible for investigating reports of child labor abuses; 30 inspectors were employed by the Ministry to investigate all reports of labor abuses, including those of child labor. During 2001, the inspectors reported at least 20 cases of children labor.

e. Acceptable Conditions of Work

The Government administratively established minimum wages, which varied according to the sector of employment, and it mandated minimum wage increases each year based on inflation. The minimum wage for an unskilled worker in the EPZ was \$13.30 (390 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ was approximately \$3.53 (106 rupees) per week; these sums did not provide a decent standard of living for a worker and family, but the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. The standard legal workweek in the industrial sector was 45 hours. According to the Mauritian Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

The Government set health and safety standards, and Ministry of Labor officials inspected working conditions and ensured compliance with the law. Inspections were announced and unannounced. The small number of inspectors limited the Government's enforcement ability; however, through voluntary compliance by the employers, the number of occupational accidents was reduced. Company human resource or personnel managers reported on occupational health and safety matters; approximately 4,000 accidents were reported in 2001. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

In August 2001, an international NGO conducted a study commissioned by the Ministry of Labor comparing working conditions between men and women, particularly in the area of wages. During the year, the study was released, and the Government reportedly planned to reform the labor laws to encourage greater gender equality; however, there were no reforms initiated by year's end.

Since foreign workers often did not speak English, French, or Creole, it was difficult for them to demand their rights, which were the same as those of citizen employees, including the right to belong to a union. In June 2001, it was reported that a Ministry of Labor investigation indicated that many foreign workers did not receive all of the overtime wages to which they were entitled; the companies at fault were instructed to remedy the situation or face legal action. Most of the companies complied; however, those that did not comply were prosecuted.

f. Trafficking in Persons

The law prohibits trafficking in children, but does not specifically mention trafficking in adults; however, there were reports of trafficking in the country.

Child prostitution was a problem. A 1998 study reported that children entered into prostitution as early as age 13; their clientele included, industrialists, professionals, police officers, parliamentarians, and government ministers. The Government targeted child prostitution as a top law enforcement and prevention priority. In February 2001, the Ministry of Women, Child Development, and Family Welfare established a hotline for reporting cases of child prostitution, and 135 cases were registered in 2001. In July 2001, a task force on prostitution at the Ministry commissioned a quantitative study on the magnitude of the child prostitution problem in the country. In July 2001, police broke up a prostitution ring involving adolescents in the north of the main island. During 2001 both the Ministry and NGO's sponsored seminars on the dangers of prostitution for the public and schoolchildren. Some NGO's also have formed regional awareness networks and developed training materials for educators. During the year, the Government implemented a 5-year action plan with a series of recommendations to combat child prostitution. The plan was published in December.

Unlike in previous years, there were no reports of the trafficking of women and young girls from Madagascar to Reunion and Mauritius.